

PTO/SB/17 (10-03)

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number 10/080,533
 Filing Date February 22, 2002
 First Named Inventor Steinberg
 Examiner Name not yet assigned
 Art Unit not yet assigned
 Attorney Docket No. 122467-1501

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None**Deposit Account:**

Deposit Account Number 50-0436
 Deposit Account Name Pepper Hamilton LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☒ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2201 385	Utility filing fee	
1002 340	2202 170	Design filing fee	
1008 690	2203 285	Plant filing fee	
1004 770	2204 385	Reissue filing fee	
1005 160	2205 80	Provisional filing fee	
SUBTOTAL (1) (\$)			

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	20** =	0	0
Multiple Dependent	-3** =	0	0

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claims, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 16	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)			0

**or number previously paid, if greater. For Reissue, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1061 130	2051 85	Surcharge - late filing fee or oath	
1052 50	2062 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 820*	1804 820*	Requesting publication of SIR prior to Examiner action	
1806 1,840*	1806 1,840*	Requesting publication of EIR after Examiner action	
1261 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1264 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1461 1,510	1461 1,510	Patent to institute a public use proceeding	
1452 110	2452 55	Patent to revive - unavoidable	
1453 1,330	2453 665	Patent to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or release)	
1602 480	2602 240	Design issue fee	
1503 840	2603 420	Plant issue fee	
1480 130	1480 130	Petition to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(g)	130.00
1808 180	1808 180	Submission of Information Disclosure Sheet	
4021 40	4021 40	Recording each patent assignment per property (time number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(e))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			130.00

SUBMITTED BY

Name (print/type) Raymond A. Miller

Signature

Registration No. 42,891

(Complete if applicable)

Telephone 412.464.5000

Date October 2, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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TH

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I. FAX INFORMATION SHEET

Date: October 2, 2003

ID Number: 61297

Identifier: 122467.1501

Recipient: **DIRECTOR - TC3600**
Company: **USPTO**

Recipient's General Number: 703-872-9325
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Total Pages Including Cover: 4

Comments: Please see attached filing

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OCT 6 3 2003

Docket No. 122467.1501

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Educational Testing Service :
Serial No. 10/080,533 : Group Art Unit:
Filed: February 22, 2002 : Examiner:
For: PORTAL ASSESSMENT DESIGN SYSTEM FOR EDUCATIONAL
TESTING

**PETITION AND FEE TO SUSPEND RULES UNDER 37 C.F.R. § 1.183 AND TO
WITHDRAW THE REQUEST FOR A SIR PRIOR TO PUBLICATION**

Commissioner for Patents
Box DAC
Alexandria, VA 22313

Sir:

This petition is to request the suspension of rules pursuant to 37 C.F.R. §1.183.

Applicant respectfully requests a Suspension of Rules pursuant to 37 C.F.R. §1.183. Applicant hereby authorizes the required fee of \$130.00 for payment of fees under 37 CFR§1.17(h) to be withdrawn from Applicant's deposit account No. 50-0436.

Applicant filed the above reference application as a statutory invention registration (SIR) application with a filing date of February 22, 2002.

In accordance with MPEP §1109 Applicant respectfully requests the withdrawal of the SIR application. Applicant has received a Notice of Intent to Publish dated August 15, 2003 and this Petition to Withdraw is being made timely as the SIR has not yet published, it is respectfully requested that the SIR be withdrawn.

Suspension of Rules, 37 C.F.R. §1.183 provides that "[I]n an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner. . . ." Applicant maintains that in the present situation, justice requires the waiver of the rules. The Applicant maintains that no harm would result if a request for the withdrawal of the SIR application was granted. The Applicant maintain that preservation of its patent rights would result if such a request was granted.

Docket No. 122467.1501

PATENT

The Applicant maintains that there has been no detrimental reliance by third parties on the SIR application. The SIR application has not been published to date. No third party would reasonably rely on the SIR disclosure as prior art. The Applicant maintains that the request to withdraw the SIR application would not result in harm to any third party.

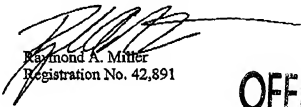
The Applicant maintains the right to file a continuing application claiming priority to the SIR application. See MPEP 1111. Additionally, the Applicant maintains the right to expressly abandon the SIR application in favor of the continuing application. Therefore, Applicant's patent rights to continue seeking patent protection for the above identified invention is thus preserved.

Applicant believes that the fees required are satisfied by the enclosed check in the amount of \$130.00, however if additional fees are required, the Commissioner is hereby authorized to charge the deposit account No. 50-0436 for any additional fees that may be due in connection with this petition.

Should the Examiner have any questions or comments regarding this petition or the matters discussed herein, the Examiner is invited to contact the undersigned at (412) 454-5813.

Respectfully submitted,

PEPPER HAMILTON LLP


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